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Security Council

Sixty-fourth year

Provisional

6117th meeting

Thursday, 30 April 2009, 4.45 p.m.

New York

President:	Mr. Heller	(Mexico)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. La Yifan
	Costa Rica	Mr. Urbina
	Croatia	Mr. Skračić
	France	Mr. Ripert
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Russian Federation	Mr. Churkin
	Turkey	Mr. İlkin
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Ms. Rice
	Viet Nam	Mr. Bui The Giang

Agenda

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2009/200 and Corr.1)

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The meeting was called to order at 4.45 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2009/200 and Corr.1)

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of Spain, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Yáñez-Barnuevo (Spain) took the seat reserved for him at the side of the Council Chamber.

The President (*spoke in Spanish*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/200 and corrigendum 1, which contains the report of the Secretary-General on the situation concerning Western Sahara.

Members of the Council also have before them document S/2009/224, which contains the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I would like to draw the attention of the Council to the following oral amendments to the draft resolution.

The current eighth preambular paragraph will become the seventh preambular paragraph, and should read as follows:

"Stressing the importance of making progress on the human dimension of the conflict as a means to promote transparency and mutual confidence through constructive dialogue and humanitarian confidence-building measures,"

The former seventh preambular paragraph will become the new eighth preambular paragraph and should read as follows:

"Welcoming in this context the agreement of the parties expressed in the Communiqué of the Personal Envoy of the Secretary-General for Western Sahara of 18 March 2008 to explore the establishment of family visits by land, which would be in addition to the existing programme by air, and encouraging them to do so in cooperation with the United Nations High Commissioner for Refugees".

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it, as orally amended. Unless I hear any objection, I shall put the draft resolution, as orally amended, to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President (*spoke in Spanish*): There were 15 votes in favour. The draft resolution, as orally amended, has been adopted unanimously as resolution 1871 (2009).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Ms. Rice (United States of America): The United States fully supports the Secretary-General and Ambassador Christopher Ross in their efforts to find a peaceful, sustainable and mutually agreed solution to the Western Sahara conflict. This conflict has gone on for too long. These ongoing strains, as well as poor relations between Morocco and Algeria, have prevented regional cooperation on urgent and emerging issues facing North Africa.

We very much welcome the appointment of Ambassador Ross to serve as the Secretary-General's Personal Envoy for Western Sahara. He is a seasoned diplomat with extensive experience in the region, and he has our full support. During Ambassador Ross's recent trip to the region, all of his interlocutors confirmed their commitment to cooperate with the United Nations to reach a solution to the Western Sahara conflict as soon as possible. We welcome that news.

We also concur with the assessment of Ambassador Ross that informal preparatory talks may help pave the way for more substantive formal talks. We are glad that the parties have agreed to meet informally, and we encourage all involved to come to the table without preconditions. Given the current situation on the ground, and Ambassador Ross's continuing efforts, we agree that the presence of the United Nations Mission for the Referendum in Western Sahara (MINURSO) remains indispensable. The United States supports renewing MINURSO's mandate for another 12 months.

Mr. Ripert (France) (*spoke in French*): As the Council has had occasion to state on numerous occasions, there is no solution other than a negotiated, mutually acceptable political solution to the issue of the Western Sahara, whose resolution remains necessary — as all are convinced — not only for the Sahara but for the entire Maghreb region. For that reason, France welcomes the fact that the Security Council today reiterated its unanimous support for the negotiating process launched in Manhasset in 2007 and for resolution 1813 (2008), a resolution that was also adopted unanimously and which serves as the road map for the process.

My delegation hopes that on that basis the parties concerned will return to the negotiating table as soon as possible and resolutely enter into a substantive discussion — as the Council calls upon them to do — under United Nations auspices, showing realism, a spirit of compromise and political will to finally achieve a just, lasting and mutually acceptable solution.

While the negotiations must resume, France wishes also to recall the importance of the autonomy proposal put forward by Morocco in 2007, which, in our view, provides a basis for negotiation that is credible, transparent and constructive and that respects the principle of self-determination and is thus worthy of close attention by all parties.

I wish to reiterate our support for the efforts of the Secretary-General and of Mr. Christopher Ross, his new Personal Envoy, to whom we wish every success. We support Mr. Ross's proposal to hold informal meetings to better prepare the next session of discussions. My delegation also wishes to express its support for measures to be taken in the humanitarian and political arenas, with the agreement of the parties, to promote mutual trust and confidence.

In conclusion, my delegation welcomes the fact that the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) has been renewed by consensus. We take this opportunity to recall how important it is for the Secretariat and the Council to be in a position, in line with the initiative launched jointly with the United Kingdom, to ensure better political and military follow-up for all peacekeeping operations, including MINURSO. To that end, as we always strive to do for various peacekeeping operations, out of a concern for effectiveness, we underscore the importance of the Secretariat keeping the operation's planning documents up to date.

Mr. Churkin (Russian Federation) (*spoke in Russian*): The Russian delegation welcomes the unanimous adoption of the resolution on the Western Sahara, which extends the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO). That mission continues to carry out an important stabilizing function. In adopting the resolution, the Council has sent the parties to the conflict an important signal in favour of achieving progress in resolving the issue of Western Sahara. My delegation expects that this consensus resolution will provide a serious basis to assist Christopher Ross, the Personal Envoy of the Secretary-General, in his efforts to re-launch and breathe new life into the Manhasset negotiating process.

There is a need to ensure that the protracted pause in the settlement process be overcome as rapidly possible. In that respect, we attach great importance to the process of negotiations and view it as the most important mechanism which will enable the parties to resolve issues through direct dialogue.

On the whole, the Russian position on Western Sahara remains unchanged. We advocate the search for fair, lasting and mutually acceptable solutions to the

issue on the basis of existing Security Council resolutions and in compliance with the principle that the parties must agree to any mechanism proposed to resolve this issue.

Sir John Sawers (United Kingdom): The unanimous adoption of resolution 1871 (2009) sends an important message of the Security Council's support for the Secretary-General's Personal Envoy, Christopher Ross, as he embarks on his new role. The appointment of Ambassador Ross and the fresh approach he brings represent a real opportunity for the parties and the neighbouring States to re-engage, to renew the talks process and to make meaningful progress towards the settlement of a conflict that has run for far too long. We strongly urge all those involved to seize this opportunity, and we underline the Council's call for the parties to approach the talks in good faith and without preconditions.

In all cases of this sort, the principle of self-determination of the people of the territory is fundamental. The United Kingdom remains committed to seeing a process of negotiation, under the auspices of Ambassador Ross, which leads to a just, lasting and mutually acceptable political solution which provides for the self-determination of the people of Western Sahara.

I would also like to emphasize the importance of what the Secretary-General has described as the human dimension of the conflict, to which we refer to in the seventh preambular paragraph of the resolution. My Government firmly believes that addressing the Secretary-General's recommendations in this respect, including the expansion of humanitarian confidence-building measures and transparency on human rights by all parties, will do much to establish trust and confidence between the parties and thereby enable progress in the negotiations.

We have today renewed the mandate of MINURSO for another year. In line with our ongoing discussions on peacekeeping, I would stress the need for the Council to take a strategic view of all its peacekeeping operations. In this respect, I would echo the comments of the Permanent Representative of France and ask the Secretariat to develop suitable benchmarks against which MINURSO's progress in achieving its mandate can be measured and to include an assessment of such progress in the next report.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): My country voted in favour of resolution 1871 (2009) to extend the mandate of the United Nations Mission for the Referendum in Western Sahara because we believe that it is important to lend unanimous Security Council support to the plan presented to us by Mr. Ross, Personal Envoy of the Secretary-General, in whose management we have confidence.

However, we are not satisfied with the text of the adopted resolution. As you know, Sir, from your own experience, Costa Rica has been an active advocate of peaceful dispute settlement processes. Our President was awarded the Nobel Peace Prize precisely because of an effort on his part that brought peace to Central America and rendered the United Nations efforts successful. We know from our own experience that the foundation of mediation is political will to arrive at an agreement and that this political will has to be based on absolute respect for the Charter of the United Nations, together with a legitimate sense of commitment to the promotion and protection of human rights.

Costa Rica considers that the full respect for and guarantee of human rights is an essential prerequisite to the resolution of this and other conflicts, and not an obstacle, as some seem to think. This position of my country is a clear one, and we have manifested it with great transparency, respect and with complete respect for the rules of negotiation in this Council. That is what we did throughout all the consultations and meetings of experts that took place. We brought the arguments and elements we wanted to see reflected in the text. We are very sorry that our concerns have not been reflected in the resolution.

We are aware of the efforts of the parties and their commitment to move ahead, some to a greater extent than others. That is why we put forth, as a last resort, a proposal whose sole purpose was to ask for a report on the efforts of the Office of the United Nations High Commissioner for Human Rights to work with the parties to ensure respect for human rights in Western Sahara. As we said during the consultations, Costa Rica has not invented human rights in the Sahara. This is a topic that appears in the Secretary-General's 2008 report (S/2008/251), in paragraph 71, where he stated,

> "I would like to repeat my call to the parties ... to remain engaged in continuous and constructive dialogue with the Office of the United Nations

> High Commissioner for Human Rights with a view to ensuring respect for the human rights of the people of Western Sahara."

This appeal, along with an important statement to the effect that the United Nations remains resolutely in favour of respect for those same human rights standards appears in paragraph 66 of this year's report (S/2009/200 and Corr.1), where the Secretary-General says,

> "I would like to reiterate that the United Nations remains committed to upholding international human rights standards, and I repeat my call to the parties to remain engaged in continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights, with a view to ensuring respect for the human rights of the people of Western Sahara in the Territory and in the refugee camps ...".

But the Security Council has unfortunately not endorsed these conclusions of the Secretary-General, which appear in his last two reports (S/2008/251, S/2009/200 and Corr.1).

We voted in favour of the resolution in order to lend support to the work of the Personal Envoy of the Secretary-General, Mr. Ross, and we hope that he will be guided in his performance by the words of the Secretary-General, which, leaving aside the economic and political interests of the moment, represents the generous moral voice of humanity.

Mr. Mugoya (Uganda): My delegation voted in favour of renewing the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) for another year. But my delegation remains concerned about a number of issues in the human rights dimension raised in the report of the Secretary-General (S/2009/200 and Corr.1).

We welcome the observation in that report that the United Nations remains committed to upholding international human rights standards. However, we see MINURSO as the only contemporary peacekeeping operation without a human rights component, contrary to the general principles of the Department of Peacekeeping Operations and its own mandate. We therefore welcome the attention given in the resolution to the importance of making progress on the human dimension of the conflict. We call upon the parties to work with Mr. Ross to ensure that observance of human rights in Western Sahara and refugee camps is upheld.

Mr. Tiendrébéogo (Burkina Faso) (*spoke in French*): Burkina Faso welcomes the adoption by this Council of resolution 1871 (2009), a resolution that extends the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO), whose actions we unreservedly support. When on 22 April the Council considered the issue of Western Sahara, my delegation expressed concern at the slow pace of the negotiations between the parties. At the same time, we noted our appreciation of the planned approach proposed by Christopher Ross, the new Personal Envoy of the Secretary-General — and we of course wish him every success in his mission — to breathe new life into the process. We felt reassured by his remarks insofar as, after a visit to the region, he spoke of the adherence of the parties to this approach.

The importance of MINURSO and the necessity for the United Nations, and the Secretary-General in particular, to ensure assistance for the parties during the negotiations process are clear to all. We believe at this stage that, in addition to the extension of the mission's mandate, the Security Council should pursue clear objectives, namely, to spare no effort to promote the rapid resumption of the Manhasset negotiations process and to fully support the new Personal Envoy of the Secretary-General.

We believe that all of these objectives have found expression in the new resolution that we have just adopted, and that is why we supported it. Indeed, we believe that this draft is the best possible compromise at present. We thank the delegation of the United States and all co-sponsors for their efforts, which have enabled the Council to speak with a single voice this afternoon.

Mr. Mayr-Harting (Austria): Austria wholeheartedly supports the renewal of the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) for another 12 months. It is very important, from our point of view, that the Council has been able to achieve unity in this matter, because resolution 1871 (2009) provides the Secretary-General and his Personal Envoy with the unanimous message of support by the Council that they need for their efforts to bring both parties back to the negotiating table as soon as possible.

In the field of human rights, Austria supports a results-oriented approach. Both parties have the obligation to ensure respect for the human rights of the people of Western Sahara. Against this background, we believe that the populations in the territory and in the refugee camps would greatly benefit in their enjoyment of human rights from a new resolve by both parties in the negotiation process. A continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights as suggested by the Secretary-General could help the parties to approach the issue of human rights protection and promotion from a confidence-building perspective.

The President (*spoke in Spanish*): I will now make a statement in my capacity as representative of Mexico.

The Mexican delegation is gratified that the Security Council has adopted resolution 1871 (2009) to renew the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO). We are particularly gratified that the resolution was adopted with 15 votes in favour, as this demonstrates the unanimous support of the Council for the work of MINURSO in the field and the initiatives taken by the new Personal Envoy of the Secretary-General, Mr. Christopher Ross.

We therefore support the Personal Envoy's suggestion to organize small, preparatory informal meetings before convening a fifth round of negotiations in Manhasset. We believe this will be indispensable to achieving substantial progress in the negotiations. We trust that the parties will attend these negotiations in good faith without prior conditions and will demonstrate the political will to set in motion substantive deliberations that will bring about tangible progress in the negotiations, leading towards a just, lasting and mutually acceptable solution that will guarantee the self-determination of the people of Western Sahara.

Mexico attaches great importance to the promotion and protection of human rights, which is a priority in our foreign policy. My delegation feels that the Security Council must not fail to consider this topic as it addresses the situation in Western Sahara. That is why we welcome the fact that this year's resolution contains an improvement in this respect, in the eighth preambular paragraph, when it refers to the humanitarian dimension of the conflict as a means to promote transparency and mutual confidence through constructive dialogue, as suggested by the Secretary-General in his report (S/2009/200).

I now resume my function as President of the Council.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

As this may be the last meeting held under the Mexican presidency of the Council, I would like to take this opportunity to express my sincere thanks to all my colleagues on the Council, who have provided such valuable support to my delegation. I would also like to thank the Secretariat team for their continuing support throughout the month and to thank all the other staff of the Secretariat, including the interpreters, who have worked behind the scenes in support of the work of the presidency. I would like to thank you all.

The meeting rose at 5.10 p.m.